

BILL NO. 22-90

AN ORDINANCE APPROVING A REZONING FROM AG (AGRICULTURAL) TO DISTRICT RP-3 (PLANNED RESIDENTIAL MIXED USE) AND PRELIMINARY DEVELOPMENT PLAN FOR ANDERSON POINTE ON LAND LOCATED AT 5601 NE ANDERSON DRIVE, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 33, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-450 submitted by Engineering Solutions, LLC, requesting approval of a rezoning from AG (Agricultural) to RP-3 (Planned Residential Mixed Use) and preliminary development plan on land located at 5601 NE Anderson Dr was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a rezoning and preliminary development plan by the City following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the rezoning and preliminary development plan on March 10, 2021, and rendered a report to the City Council recommending that the rezoning and preliminary development plan be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on April 12, 2022, and rendered a decision to approve the rezoning and preliminary development plan for said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That a rezoning and preliminary development plan is hereby approved on the following described property:

Lot 1-A, Birchwood, Lot 1-A

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the requirement for each lot to have a minimum 50' of street frontage, to allow the following: Lot 41 – 17' of street frontage; Lot 45 – 40.08' of street frontage; and Lots 42-44 – 0' of street frontage.
2. The Developer shall execute a mutually satisfactory development agreement with the City, which addresses, at a minimum, paved shoulder improvements along NE Anderson Dr from NE Velie Dr to NE Lakewood Blvd as addressed in the City Traffic Engineer's TIA dated February 10, 2022. No building permits shall be issued for any structure in the development until written proof is provided to the City that the development agreement has been recorded in the Jackson County Records' Office.
3. A revised Macro Stormwater Drainage Study shall be submitted to, reviewed and approved by the City prior to approval of any final development plan to address all outstanding discrepancies identified by City staff.

BILL NO. 22-90

- 4. All design waivers shall be submitted, reviewed and approved by the City Engineer prior to approval of any final development plan.
- 5. Development shall be in accordance with the preliminary development plan dated November 17, 2021, time stamped January 12, 2022; Single-family building elevations 1 and 2 (1.5-story), time stamped December 21, 2021; Single-family building elevations 1 and 2 (2-story), time stamped December 21, 2021; and Development Design Guidelines, date stamped December 21, 2021.

SECTION 3. Nonseverability. All provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 4. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 33, the City's Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit.

SECTION 5. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*